



COPPERLEAF

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A T T H E B R O O K S™

# **Architectural & Landscape Guidelines**

Formerly Design Review Guidelines

February 15, 2011

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## **The Brooks Overview**

Copperleaf, Spring Run, Lighthouse Bay, and Shadow Wood are the four communities in a development called The Brooks. Perhaps the most important component of the success of Copperleaf is the commitment to the review process. As detailed in these Architectural & Landscape Guidelines, the purpose of the Review process is to establish high standards that are consistent throughout the community. This in turn supports the long term quality and lasting values of Copperleaf.

## **I. THE COPPERLEAF REVIEW PROCESS**

**A. Purpose of Guidelines:** The Architectural & Landscape Guidelines for Copperleaf provide an overall framework and comprehensive set of standards and procedures for the community in an orderly and cohesive manner. These standards have been developed to assist in the modification of residences/buildings within Copperleaf. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage, and lighting. In addition, the guidelines establish a process for review of all proposed modifications to residence/buildings to ensure that all sites within Copperleaf are developed with the consistency and quality that attracted you to this development.

NOTE: Unless otherwise specifically stated in Article IV of these Guidelines, all plans and materials for exterior modifications or improvements on a residence must be approved before any modification begins.

### **1. The Application Process:**

- The homeowner completes an Architectural & Landscape Request Form (Exhibit "L") and submits it to his/her neighborhood President or other designee along with any supporting Exhibits, plans, or data at least seven (7) days prior to a scheduled ARC meeting.
- If approved, the neighborhood representative affixes his/her signature and submits it to the Architectural Review Committee for review at its' next scheduled meeting.
- If approved by the ARC, the applicant is sent a letter along with any conditions imposed upon the application.
- The applicant has forty-five (45) days to start the project and ninety (90) days to complete same.
- The applicant must notify ARC with five (5) days of completion for a final inspection to insure that all conditions have been met and the project has been completed satisfactorily.

**B. Governmental Permits:** To the extent that Lee County ordinances or any local government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Guidelines or the Declaration of Covenants, Conditions, and Restrictions for Copperleaf (the "Declaration"), the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Declaration and the Guidelines (in that order) shall prevail.

**C. Preparer:** These initial Guidelines were originally prepared by Long Bay Partners, LLC (the "Declarant") and adopted by the Declarant pursuant to the Declaration. The Guidelines have been changed and amended to serve the needs of Copperleaf pursuant to the procedures set forth in the Declaration and in Article VIII of these Guidelines.

**D. Applicability of Architectural Review:** These Guidelines govern all residential construction and improvements within the property which is or may be subject to the Declaration in accordance with Article IX of the Declaration. Unless otherwise specifically stated in Article IV of the Declaration or these Guidelines, all plans and materials for exterior modifications or improvements on a residence must be approved before any modification begins.

Owners are responsible for ensuring compliance with all standards and procedures within these Guidelines. Owners are also governed by the requirements and restrictions set forth in the Declaration, any applicable Supplemental Declaration, and any other applicable architectural and landscape guidelines. In particular, Owners should review and become familiar with the Use Restrictions applicable to Copperleaf enacted under Article III of the Declaration, which address restricted and prohibited conduct and activities within the community.

**E. Review Structure:** Architectural control and review for Copperleaf is handled by an Architectural Review Committee ("ARC"). An ARC has been established by the Association's Board of Directors. The term "Reviewer", as used in these guidelines, shall refer to the appropriate reviewing entity.

The ARC has jurisdiction over all matters relating to architecture and landscaping of Copperleaf as set forth in Article IV of the Declaration. See Exhibit "M" (Page 29) for Architectural Review Committee Purpose and Responsibilities.

**F. Review Fees:** Presently, as long as an Owner (hereafter referred to as "Applicant") submits an Application prior to the commencement of the Work, the ARC shall not charge a fee. The ARC may revise the review fee schedule at any time. If an Application is filed after the commencement of the Work, the Applicant shall be subject to a fifty dollar (\$50.00) fine payable to the Copperleaf Community Association, Inc. ("Association").

## **II. REVIEW PROCEDURES**

The Owner is responsible for the submittal of all site plans, architectural and landscape plans for exterior modification. The ARC is responsible for the review and approval of all plans submitted for approval. The ARC meets on a regular basis and requires that all plans be submitted at least seven days prior to the meeting. Meetings of the ARC are open to members of the Association.

**A. Review of Modifications:** The review of modifications to existing dwellings shall require the submission of an Application to the ARC. Depending on the scope of the modification, the ARC may require the submission of all or some of the plans and specifications listed below in Section II.C. In the alternative, the ARC may require a less detailed description of the proposed modification.

**B Plans to be Reviewed:** The ARC requires two sets of any of the following plans for a modification, in addition to the submission of a Construction Application.

1. Site Plan. Where applicable, include the required setbacks, easements and horizontal dimensions that locate the residence/building on the lot/parcel. (Single family homes & villas only).
2. Floor Plan. Include a floor plan showing the proposed modification and its' relationship to the existing structure.
3. Architectural Elevations. Front, rear, side, and pool enclosure exterior elevations showing the proposed modification.
4. Wall Sections. Showing foundation condition, i.e. stem wall or slab, roof overhangs, soffit and fascia details. A minimum of 6" to 12" overhang and 6" fascia is required.
5. Roof Plan. Showing slopes, pitches, hips and gables, unless reflected in the other plans. A minimum roof pitch of 5 in 12 slope is required.
6. Exterior Finishes. Showing the exterior color scheme and texture (including samples and color chips,), lighting scheme, and other details affecting the exterior appearance of the proposed improvements.
7. Landscaping Plan. Showing location, size, species, quantity, and scientific name of all plant material, paving materials, light poles, mailboxes, provide typical details for protection of existing vegetation, use of plants, and other landscaping details. Master Plans to be shown at 1" = 5'.
8. Other. Such other information, data, and drawings as may be reasonably requested, including, without limitation, irrigation systems showing 100% coverage, drainage, lighting, satellite dish placement, storm shutters, screening, fences, lawn ornaments and other features.

**C Review Criteria:** While the Architectural & Landscape Guidelines are intended to provide a frame-work for modifications, the Guidelines are not all-inclusive. In its review process, the ARC may consider the quality of workmanship and design, harmony of proposed changes with existing structures, and location in relation to surrounding structures, topography, and finish

grade elevation, among other things. ARC decisions may be based on purely aesthetic considerations.

**D Recommendations:** The ARC has the authority to adopt and revise lists of recommended and prohibited landscape plant materials. Prohibited plants are shown in Exhibit "H." The ARC may provide a list(s) of recommended "approved materials" which will be posted on the Copperleaf web page under landscaping tips. The purpose of the list(s) is merely to provide guidance and the installation of recommended materials and does not relieve the Applicant from any obligations set forth in these Architectural & Landscape Guidelines to acquire approval prior to installation.

**E Variances:** Variances may be granted in some circumstances including, but not limited to, topography, natural obstructions, hardship, or environmental considerations. All variance requests must be submitted in writing. The Applicant must state the reason for the request, and propose mitigation of the variance. The ARC shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration. No variance shall be effective unless in writing and signed by a representative of the Reviewer.

**F. Review Period:** A written response shall be made within 30 business days of submission of all materials required by the ARC. The Reviewer's decision shall be rendered in one of the following forms:

1. "Approved" - The application submitted is stamped approved.
2. "Tabled" – Application is tabled pending further information or investigation.
3. "Approved With Conditions" - The application is approved as submitted, but the ARC's conditions for correcting objectionable features or segments are noted. The Applicant must correct the plan's objectionable features or segments, and the Applicant may be required to submit in writing, agreement with conditions to receive approval prior to commencing the construction or alteration.
4. "Disapproved" - The application submitted is rejected in total. The ARC may provide comments but is not required to do so.

**G Lee County Approval:** The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of Lee County or other governmental authorities. It is the responsibility of the applicant to obtain all necessary permits and approvals.

**H Implementation of Approved Plans:** All work must conform to approved plans. If it is determined by the Reviewer that work completed or in progress on any lot/parcel is not in compliance with these Architectural & Landscape Guidelines or any approval issued by the ARC, the ARC shall directly, or through the Association's Board, notify the Owner in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner to remedy the same. If the Owner fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and these Architectural & Landscape Guidelines.

**I Time to Commence.** If no maximum time period is specified in the approval or any other agreement, construction shall be started within forty five (45) days of its approval. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the ARC may approve or disapprove, in its sole discretion.

If construction is not completed on a project within the period set forth in the approval, within the ninety day default period, if applicable, or within any extension approved by the ARC, the approval shall be deemed withdrawn, and the incomplete construction shall be deemed to be in violation of the Declaration and these Architectural & Landscape Guidelines.

**J Changes After Approval:** All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping, or signage, made after the approval of plans must be submitted to and approved in writing by the ARC prior to implementation. Close cooperation and coordination between the Applicant and the ARC will ensure that changes are approved in a timely manner.

If Lee County or any other authority having jurisdiction requires that changes be made to final construction plans previously approved by the ARC, the Applicant must notify the ARC of such changes and receive approval from the Reviewer prior to implementing such changes.

**K. Final Inspection:** The applicant must notify the ARC within five (5) days of completion of the project as approved. ARC will conduct a final inspection to ensure completion as approved.

**L. Enforcement:** In the event of any violation of these Architectural & Landscape Guidelines, the procedure is as follows:

- Letter from the ARC advising of the violation and possible assessment of fines up to \$1000.00 and/or sanctions and giving the resident fourteen (14) days to comply. A copy is also forwarded to the manager of club administration and the neighborhood President.
- Letter from the Club Manager on behalf of the Board of Directors instituting penalties allowed by the Covenants, Conditions, and Restrictions and the By-Laws of the Copperleaf Golf Club with allowances for appeal to a covenants committee.

### III. ARCHITECTURAL AND IMPROVEMENT STANDARDS

The following specific site criteria shall apply to all proposed modifications within Copperleaf unless a variance is granted by the ARC.

**A. Architectural Standards:** Equal attention to detail and architectural definition are given to all sides of the structure, including, but not limited to, the foundations, banding, accent materials, roof character, and window treatment. Retaining walls, planter walls, and privacy walls are used to break up the elevation of a building and help relate the structure to the ground. All exposed concrete block or poured concrete foundations and site retaining walls must be covered with an appropriate wall-facing material, which must be approved by the ARC.

Set back requirements from property lines are established in the CCR's and by the approved Metro Planning District Zoning and are subject to public utility easements, drainage easements, landscape easements depicted on the Master Plan, and rights-of-way.

**1. Exterior Wall Treatments:** The following are acceptable exterior wall treatments for vertical surfaces:

- Painted stucco in the original color; and
- Anodized or paint finish are required on all metal surfaces including windows, flashing, drips, and caps, in colors matching the approved trim colors.
- Fascias must be a minimum of 6" wide and may be aluminum or wood painted to match the approved trim color.

Vinyl, wood, or metal siding is prohibited.

**2. Exterior Colors:** Color selections for all exterior material shall be in the original color scheme. Approved colors are attached as Exhibit "I."

**3. Roof Pitches & Overhangs:** Shall be compatible with adjacent roof profiles in front, side, and rear elevation, and may vary as dictated by architectural design. A minimum roof pitch of 5 inches for every 12 inches is required on all major structural elements. A minimum overhang of 6" to 12" is required. Asphalt or fiberglass roof shingles and metal roofs are prohibited. Roof materials which are acceptable are barrel concrete or clay tile. Roof colors shall be as originally approved.

**4. Roof Accessories and Equipment:** ARC approval is required for all rooftop equipment and accessories, unless specifically excepted in this Section. All rooftop equipment must match roofing colors and must be permanently installed in such a place that the accessory and/or equipment is not visible from the street or golf course to the extent that it is reasonably practical. Exposed flashing, vents, gutters and downspouts must be painted to match the surface they are located on. Attachment straps must be painted to match the structure.

**5. Solar Panels:** ARC approval is required for the installation of solar energy equipment. All solar collectors and related appurtenances and equipment shall be designed and constructed to appear as an integrated part of the Unit and, to the extent reasonably possible, shall not be visible from the street or golf course. All piping and accessories must be painted upon installation to blend in with the surrounding surface. Additional landscape buffering may be required in order to soften the appearance of solar collectors. Under Florida law the ARC may determine the specific location where solar collectors may be installed on the roof of a home.

**6. Windows, Doors, and Trim:** Windows should be clear glass or a tinted glass of bronze, gray, green, or smoke colors. No reflective glass, film, or tinting may be used. Aluminum window frames or window screen enclosures shall be bronze, charcoal, or white. Screen enclosures on pool or exterior lanai shall be bronze. Window and lanai screen fabric must be charcoal color. ARC approval is required for installation of any glass treatment on front doors or side lights/panels.

**7. Screen Doors:** ARC approval is required for the addition of a front screen door with the exception of Phantom type screen doors.. The material must match the existing doors on the house and the color should be generally accepted as complementary to that of existing doors on the house. ARC approval is required for all proposed security treatments for doors and windows; however, no steel or wrought iron bars (i.e. "burglar bars,"), or decorative fixtures shall be installed on the exterior of any windows or doors of any dwelling.

**8. Hurricane, Storm and Protective Shutters:** ARC approval is required for exterior shutters. The shutters must be of a material similar to and of a color and design generally accepted as complementary to the exterior of the house. No hurricane, storm or protective shutters shall be installed unless they have been approved by the ARC. A signed Exhibit “J” must be submitted with the application for storm protection.

**Shutters may be deployed only within the dates shown on the chart below:**

<b>Shutter Type</b>	<b>Inside Lanai</b>	<b>Exposed Rear &amp; Sides</b>	<b>Lower Front of Residence</b>	<b>Upper Front of Residence</b>
Metal	All Year	May 1st - Dec 31st	FL Watch or Warning	May 1st - Dec 31st
Clear	All Year	May 1st - Dec 31st	May 1st - Dec 31st	May 1st - Dec 31st
Screens	All Year	May 1st - Dec 31st	FL Watch or Warning	FL Watch or Warning

**Additional Notes:**

Shutters deployed during a named watch or warning for the State of Florida must be removed within seven (7) days of the discontinuance of the watch or warning. Metal shutters on the upper front of the residence must match the house color.

**Storm Catcher or similar type wind screens** that meet the following conditions may be deployed according to the above chart. Screens must be one continuous piece and the color must complement the color of the residence. Screens must be either in tracks mounted to a solid wall or, if not in tracks, secured top and bottom with fasteners no more than 12” apart. If other fastening methods are proposed, a plan must be submitted with the request for approval.

All approved removable or temporary hurricane or protective shutters must be securely stored inside when not attached to the Unit. In the case of single family and 2-story dwelling units, shutters can and should be softened with landscaping. This can be reviewed on a case by case basis.

The most significant concern from an architectural standpoint is along the front elevations or other highly visible portions of the buildings. In the case of single family and 2-story dwelling units, shutters can and should be softened with landscaping. This can be reviewed on a case by case basis. For all neighborhoods with multi-family units, those associations must approve the standard storm shutters, first, and have consistent details and colors for all units within the project to achieve architectural consistency.

For multi-family buildings, the storm shutters must be designed as a part of the building architectural design. They must blend into the window details or into the window covering requirements such that a patchwork or "checker board" look does not occur. They should be of consistent color, detail and style. Typically, shutters should be the same color as the required interior window treatment for multi-family buildings. The colors of the storm shutters must be compatible and consistent with the architecture of the building, for example, a white shutter is inappropriate where the required window coverings for the building are in a beige or gray range. No mill finish aluminum will be allowed.

**B. Additions and Expansions:** ARC approval is required for any addition to or expansion of a residence. Materials shall match the existing residence.

**C. Air Conditioning Equipment:** ARC approval is required for the installation of air conditioning equipment or evaporative coolers. No window or wall air conditioning units shall be allowed. All mechanical equipment necessary for the operation of any air conditioning equipment must be located in side yards and shall be screened from the street and neighboring units by landscaping, such screening to be in accordance with these Architectural & Landscape Guidelines and approved by the ARC.

**D. Water Filtration Equipment:** Water filtration equipment, if located outside the premises, must be located in side yards and be screened from the street, golf course, and neighboring units by approved landscaping. ARC approval is required prior to installation.

**E. Satellite Dishes:** No approval is required for the installation of small inconspicuous satellite dish antennas on single family residences having a diameter of 39" or less. They must be securely installed and integrated with the residential structure and surrounding landscape as much as practical. Ground installations must be screened. ARC approval is required for installations on the front of the property. Other satellite dishes with a diameter of more than 39", and all other microwave dish antennae, satellite dish antennae, exterior radio antennae, or other electronic signal-receiving or transmitting equipment to be located on the exterior of the home must be reviewed and approved by the ARC. Notwithstanding the above, all Units are required to be pre-wired for cable television and telecommunications. Carriage homes may have antenna installed only within the lanai area of the unit.

**F. Awnings and Overhangs:** The installation of awnings is permitted within the lanai only with ARC approval. The awning color must be the same as or generally recognized as complementary to the exterior of the residence. Awnings in the rear of a home that are outside the lanai generally are not permitted, but will be considered on a case by case basis. Awnings, overhangs, or similar attachments to the exterior of the residence are prohibited on the front or side elevations. All damaged, torn, or frayed awnings must be repaired or replaced immediately.

**G. Decks and Balconies:** Decks and balconies of any type are prohibited.

**H. Birdbaths, Birdhouses, and Bird-feeders:** Birdbaths and birdhouses are prohibited in the front yard. ARC approval is required for one non-permanently installed birdbath or birdhouse located in the side or back yard of the residence, not visible from the street or golf course and an integral part of the residential landscape. All birdbaths and birdhouses must be maintained by the homeowner in a permanently clean and healthy condition. Property owners must move birdbaths and birdhouses out of sight when away from the residence for extended periods unless maintained in accordance with this paragraph. Birdfeeders are discouraged. Florida climate provides a healthy habitat for birds without additional assistance. Birdfeeders also tend to attract non-desirable types of birds. Spilled seed is also an attraction for rats.

**I. Pet Houses, Pet Yards and Pet Runs:** Pet houses, pet yards, and pet runs are prohibited.

**J. Clotheslines:** Outside clotheslines shall be prohibited for all purposes unless used on a portion of an Owner's property which is fully screened from view from the street, golf course, and adjacent properties.

**K. Lighting:**

**LANDSCAPE LIGHTING:** Path lighting may be placed a minimum of 4 feet apart, no taller than 16", and directed towards the ground. Stainless steel or brass fixtures are prohibited on any exterior lighting. No driveway lighting is allowed. Additional exterior lighting is allowed in front and in rear only in the form of up lighting of trees. Lights may not be directed so as to cause glare to neighbors. Accent (down) lighting is allowed only in the area immediately adjacent to the rear screened lanai. Light fixtures shall be conservative in design, dark in color, and small in size so as to be less obtrusive. Color lighting is not allowed. Wiring should be installed so as not to impede landscape maintenance or to cause danger and shall be located only in the mulch areas. 120 volt lighting requires ARC approval and an electrical permit must be submitted to ARC with the application. All lighting must be installed to Lee County Code. Lights should be programmed to turn off by midnight. Any deviation from the aforementioned guidelines or use of high-wattage spotlights, floodlights, or ballasted fixtures (sodium, mercury, multi-vapor, fluorescent, metal halide, etc.) requires ARC approval. The ARC may take into consideration the visibility and style of the fixture and its location on the property. Homeowners are encouraged to consult with the ARC and the ARC reserves the right to require removal if deemed unacceptable.

**EXTERIOR ATTACHED LIGHTS:** Exterior garage lights may be replaced without ARC approval if the following conditions are met:

- Light must be controlled by a dusk to dawn photo sensor
- Fixture color must be flat black, bronze, pewter, antique bronze or verdigris
- Height must be between 20" and 26" including finial and lower extension
- Light output must be a continuous steady white light – Clear lens required
- Each carriage home requires the same fixture to be used for the entire building
- Homes with 3 car garages may have an additional garage light on the small garage. All lights must be the same and positioned the same as the existing lights, and meet all ARC guidelines. A change in other exterior attached lights (can lights, etc.) require ARC approval.
- Total light output must be between 440 lumens and 700 lumens.  
Fixtures with incandescent bulbs may have a maximum of 60 watts per fixture. Fixtures with energy saving fluorescent bulbs (soft white only) can use three 5 watt bulbs for a multi-bulb fixture or one 9 watt bulb (maximum) for a single bulb fixture.
- All damaged or non-working fixtures, bulbs, or sensors must be repaired or replaced within ten (10) days. An exception may be granted by the ARC in unique situations not to exceed thirty (30) days.

**L. Flags & Flagpoles:** Owners may display one portable, removable flag, not larger than 3 feet by 5 feet, if displayed on the outer side of the outer garage light, opposite the entrance. Yard-mounted flagpoles, no more than 20 feet high, may only be placed in the rear of the residence and are subject to ARC approval. Flags mounted on the pole are limited to not larger than 4 1/2 feet by 6 feet. Only those flags as allowed under current Florida law are permitted. No other displayed flags are allowed. The flagpole and display are subject to all applicable governmental regulations, including, but not limited to, noise and lighting ordinances and all setback and location criteria contained in the governing documents.

**M. Driveways and walkways:** Driveways and walkways may be sealed only with a clear sealer. Colored staining or painting of driveways and walkways is prohibited.

**N. Gazebos and Greenhouses:** Gazebos and greenhouses are prohibited.

**O. Mailboxes:** Mailboxes shall include the house number and be of a standard design for individual neighborhoods as submitted to and approved by the ARC. Where birds are a problem, a thin wire may be strung from the peak of the box forward to the front and attached with a piece of electrical tape. No other attachments are allowed. Newspaper tubes and driveway reflectors are prohibited. Isolated mailboxes are prohibited in condo communities.

**P. House Numbers:** All numbers in a neighborhood or type of home must be located in the same position on the residence, subject to ARC approval. House numbers must be displayed above the center of the garage (on homes with three garages, over the center of the larger door). House numbers must be clearly visible, 4" in height, uniform, similar in style and black.

**Q. Paint:** No approval shall be required to repaint the exterior of a structure in accordance with the originally approved color scheme (Exhibit "I" – Page 26) or to rebuild in accordance with originally approved plans and specifications. Any owner may remodel, paint, or redecorate the interior of his or her unit without approval. However, modifications to the interior of screened porches, patios, and similar portions of a unit visible from outside the structure shall be subject to ARC approval. Only warm, earth tone colors will be considered.

**R. Screen Enclosures:** ARC approval is required for the construction of all screen enclosed patios. Screen enclosed patios shall be constructed of aluminum framing, bronze in color, black (charcoal) screening material, and must be similar in style and size to a similar enclosure of the same model type within Copperleaf. Unscreened (open) patios, screened front porticoes, and screened garages are prohibited.

**S. Recreational Equipment, Playhouses, Playground Equipment:** Recreational equipment of any kind, whether installed on a temporary or permanent basis, is prohibited except that installed and maintained by the Copperleaf Golf Club. Playhouses and playground equipment of any kind or style, whether installed on a temporary or permanent basis are prohibited.

**T. Exterior Wall Attachments:** Wall hangings are permitted on the lanai and in the front entrance area.. Entrance hangings must be completely under the home's roofline and be of a material, size and color appropriate to the home and landscape. While prior ARC approval is not required to place a hanging in the front entrance area the ARC reserves the right to require removal of a hanging it deems unacceptable. For woodpecker control, approved reflective silver strips with a maximum size of 2" wide by 24" long may be hung between March 1<sup>st</sup> and June 30<sup>th</sup> only. No other attachments of any kind are allowed on the exterior of the home without ARC approval.

**U. Pools:** ARC approval is required for the construction or installation of pools. Pools shall be located in the rear yard and must be an integral part of the residence. Landscaping shall be provided around the pool cage and must be an integral part of the overall landscape plan. All mechanical equipment necessary for the operation of any pool must be located in the rear or side yard and shall be screened from the street and neighboring residences/buildings by a wall, or landscaping, such screening to be in accordance with these Architectural & Landscape Guidelines and approved by the ARC. Above-ground pools are prohibited.

#### **1. Discharging Swimming Pool Water**

The procedure for draining of swimming pools falls under the responsibility of the property owner and is regulated by the State of Florida. If you drain your pool into the storm water sewer system, the water drains back into our lakes. Therefore, to make our lakes environmentally safe, all pool water has to be dechlorinated. Using a product called Thiosulfate will remove all chlorine from the water. Also, Thiosulfate is environmentally safe and approved by the State.

**V. Signs:** One security sign is permitted in the front yard located either adjacent to the driveway or in close proximity to the front entrance. Open house signs may be displayed only between the hours of 1:00 and 5:00 PM on Saturday and Sunday. Signs must be removed by 5:00 PM. Permanent For Sale or For Lease signs are prohibited at any time. One (1) Open House sign per listed property may be displayed only on the property of the house for sale. One (1) generic open house sign is allowed at the beginning of the street. One (1) generic open house sign may be displayed in the planting bed immediately in front of the guard house. Open House signs are not permitted at any time on Three Oaks Parkway in front of Copperleaf Golf Club in accordance with Lee County Land Development Code Section 30 and the Brooks Signage Guidelines. No other signs of any type are permitted.

**W. Statues and Lawn Ornaments:** Small statues or lawn ornaments, no larger than 24" high, are allowed in the planting beds and at entryways. They must be placed so as to not interfere with maintenance. The ARC will have final determination in case of a complaint or dispute.

**X. Propane Tanks:** Propane tanks larger than 20 lbs. must be installed to conform to all county and state codes and must have ARC approval.

**Y. Trash Containers:** Tan, covered containers are preferred. Trash containers must be stored in the garage. Trash containers, or yard waste, may be placed at curbside only after 6:00pm the day before scheduled collection. Containers must be placed at the end of the driveway or on the grass, not in the street or gutter. Containers must be returned to the garage before the end of the day of collection. If circumstances require plastic bags, only black heavy plastic is allowed and cannot contain food.

**Z. Holiday Decorations:** Christmas decorations are permitted from *November 15th until January 15th only*. Other holiday decorations may be displayed seven days prior to and three days after said holiday. Non-flashing/non-blinking white miniature lights are recommended and preferred for all holiday lighting. All lawn ornamentation of any style is prohibited. Wreaths may be affixed to the front door and below or around the garage lights. Holiday ornaments may be affixed to the front door only.

**AA. Potted Plants:** A maximum of three pots are allowed on the front of the residence. No pots are allowed on the sides or rear of the residence. Pots must be of a color and style in accordance with the Neighborhood Association architectural/landscape guidelines and approved by the **ARC**. Suggested are pots made from clay or cement material (to ensure that they are not easily blown over in a hurricane). A matte finish is preferred and they must be of a color which blends aesthetically with the home. Pots must be weighted to withstand high winds, not exceed 24" tall, and not exceed 24" overall diameter. Pots must not interfere with lawn maintenance or sidewalks. Pots outside the entrance roof line must contain live plants and owners are required to maintain plants in good condition. Dead or dying plants must be removed and replaced immediately. Plastic plants are not allowed.

**AB. Trellises:** Trellises must support live vegetation at all times. Plants must originate in the ground.

**AC. Grills:** Cooking grills are allowed under the following conditions:

- **Carriage Homes** - Cooking grills may be used or stored within the lanai area only. Grills may be charcoal or propane. However, propane tanks in carriage homes are limited to one (1) pound cylinders per Lee County and Copperleaf regulations.
- **Single Family Homes:** Cooking grills (charcoal or propane) may be used or stored within the screened lanai area only. Grills may not be used or stored in any other area outside the residence. Portable propane grills are limited to twenty (20) pound cylinders. (Storage of propane tanks inside garages or the home is not a safe practice and is strongly discouraged).

**IV. LANDSCAPING & SITE STANDARDS** Landscaping is an essential element of design at Copperleaf. Florida friendly landscaping, which incorporates nine major interrelated principals, should be practiced as described in Florida Yards & Neighborhoods Handbook. (A Guide to Florida-Friendly Landscaping). For more information about this, contact your local Cooperative Extension Service Office (Lee County FY&N Desk 239-461-7526), search for publications on the EDIS website (for example "Environmental Landscape Management"), get the "FYN handbook" on-line at <http://fyn.ifas.ufl.edu>, or look for a solution at <http://solutionsforyourlife.ufl.edu>.

**A. Landscaping:** Submission of a landscape plan is required prior to any alteration of the original site plan or existing palms or trees. In all cases the resident is responsible to observe all existing Lee County regulations and specifications. Owners may replant bushes, shrubs, and plants not listed on Exhibit "H" without approval. Landscaping, including sod and irrigation, shall be completely installed within the time period as may be provided in writing by the ARC. Citrus trees may be planted only in rear yard areas and cannot be a substitute for the shade tree requirement. Citrus trees must be maintained by the homeowner at their expense.

Owners or their assigns shall maintain all landscaping. All areas not covered by structures, paving, walkways, or areas approved by the ARC to be left in their natural state shall be maintained as lawns or landscaped areas with underground sprinkler systems to the edge of any pavement, water's edge or Conservation Area. All landscaped areas not covered by sod must be covered with the currently approved mulch material as adopted by the Council of Presidents and ratified by the Board of Directors.

Corner lots shall have sufficient buffering and screening to block views into the rear yard areas. These lots must provide foundation planting along both sides that face the street. Each street frontage must include a street shade tree.

All utility areas and equipment, including items such as air conditioners, pool equipment, water filtration equipment, trash containers, meters, and utility boxes shall be landscaped or screened to ensure they are buffered from view from adjacent property.

Trees and shrubbery on the homeowners property that have died, or been destroyed by weather conditions, must be replaced with a similar product at the homeowners expense.

**B. Landscaping Stone:** To solve drainage problems or wet areas between homes or around foundations, owners are permitted to place egg rock, paving stones. Between homes, permission must be obtained from the neighboring residence before proceeding. Other mulch material may be used but must be covered with the current approved mulch as adopted by the Council of Presidents and ratified by the Board of Directors. ARC approval is required.

Stone in other areas is discouraged. Where used, stone must be egg rock, tan in color, and not exceed three inches in the longest axis diameter. For safety reasons, stone should not be adjacent to turf areas to avoid stones being thrown by lawn equipment.

Views from the roadways and walkways toward a landscaped area should complement the appearance of the existing natural vegetation. All front, side, and rear building setback areas must be sodded and/or landscaped.

The Owner must submit landscaping plans to the ARC.

**C. Guidelines for Large Rocks in Landscaped Beds**

- Rocks should be kept at a minimum.
- The rocks should be placed within the primary planting bed in the front of the residence and cannot impede grass cutting operations.
- The rocks may be no higher than 20" and no wider than 40".
- The rocks must be natural in color and may not be painted.
- Areas of rock exceeding 10 cubic feet require ARC approval.

Views from the roadways and walkways toward a landscaped area should complement the appearance of the existing natural vegetation. All front, side, and rear building setback areas must be sodded and/or landscaped.

The contractor shall protect existing trees and vegetation which are not approved for removal from damage during grading and construction on the lot. All vegetation to be saved shall be barricaded with woven fabric or silt barrier material during construction.

All exotic invasive vegetation, as determined by Lee County and listed on Exhibit "H" shall be removed from the Parcel.

Trees and shrubbery on the homeowners property that have died, or been destroyed by weather conditions, must be replaced with a similar product at the homeowners expense.

**E. Prohibited Landscape Materials:** A list of prohibited landscape materials that may NOT be used within the development is attached as Exhibit "H" which may be updated and revised from time to time. Updates will be posted on the Copperleaf web page.

Citrus trees may be planted only in rear yard areas and cannot substitute the shade tree requirement.

**F. Irrigation:** Landscaped portions of residences/buildings shall be 100% irrigated with underground irrigation water. Drip irrigation systems are encouraged where possible to make efficient use of water resources. Irrigation systems shall be connected to the central irrigation system meter located at the front of each lot. Wells or pumps from lakes and ponds are prohibited. All irrigation systems are required to have a rain shut-off switch. It is suggested that rain sensor systems be checked on a regular basis. Irrigation is prohibited in existing native areas. All lots/parcels shall be equipped with dual water lines, one of which shall be designated to utilize non-potable water for irrigation. Owners shall connect to the water lines serving The Brooks. Installation of individual water supply or irrigation supply is prohibited. Wells are prohibited.

**G. Drainage:** Drainage must conform to the master drainage system for The Brooks and all Lee County requirements. All drainage and grading must be indicated on the Site Plan. There shall be no interference with the established drainage pattern over any property except as approved in writing by the ARC.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of structures. Water should flow fully over walkways, sidewalks, or driveways into the street.

**H. Fences:** Fences are prohibited.

**I. Walks and Driveways:** Owners shall secure ARC's approval prior to changing existing walks or driveways. Except in multi-family units, driveways must be of brick or concrete pavers. Asphalt, gravel, or shell driveways are prohibited. Brick, flagstone, stepping stones, and pre-cast patterned or exposed aggregate concrete pavers may be approved for walks or patio areas. Owners shall secure ARC approval before extending or expanding any driveway. The ARC will not approve such extensions or expansions for Owner's intended purpose of providing side yard parking or vehicle storage. Driveway lighting is prohibited.

## **V. CONSTRUCTION GUIDELINES**

**A. Pre-construction Clearing Walk:** Prior to site preparation, the applicant shall schedule and coordinate a field review of existing vegetation to be saved. The ARC may also perform additional periodic informal inspections to ensure that work is being performed in conformance with Approved plans. All inspections are observations only and will not relieve the obligation to obtain inspection approvals from Lee County and other organizations having jurisdiction.

**B. Site Maintenance.** All sites must be maintained in a clean and orderly manner at all times. A commercial dumpster or containment area is required for each site under construction. All trash and construction debris shall be properly disposed of at the end of each day. Job toilets are prohibited. Contractors are responsible for ensuring that construction material and debris does not blow off of the job-site, through the installation of silt fencing and shall be responsible for picking up trash on a daily basis. Streets must be swept on a weekly basis in construction areas or as necessary. Lanai paver or concrete work must have plastic sheeting installed inside the pool cage to prevent dust and debris from invading neighboring properties. Construction activities are prohibited in the rear and sides of residences. The applicant is responsible for all damage to, and cleaning of, adjacent properties.

Job sites not in compliance with the Declaration, these Architectural & Landscape Guidelines, or approved plans will be issued a Notice of Violation and a punch list of items needed to bring the construction and/or job site into compliance. Further construction may be prohibited until such punch-list items have been corrected.

**C. Vegetation Protection and Barricading:** Prior to any construction or clearing activities, the contractor shall protect existing vegetation by barricading those areas with woven fabric or silt barriers. In addition, the following actions are prohibited:

- Dumping backfill into an area containing protected vegetation ("protected area"),
- Excavating soil from a protected area,
- Falling trees into a protected area,
- Parking in or driving through protected areas,
- Stacking or storing supplies or equipment in protected areas,
- Changing site grading to cause drainage into a protected area,
- Locating temporary construction buildings in a protected area, or
- Disposing of toxic materials into a protected area.

**D. Construction Damages:** Any damage to vegetation, Common Area facilities, the golf course property, or neighboring properties caused by the contractors, sub-contractors, agents, or employees must be corrected immediately to the satisfaction of the ARC and the owner of the damaged property. If the damage is not corrected, the ARC or the Association may repair such damage and assess the costs of repair to the Applicant.

**E. Conduct:** The contractor must control the conduct of their employees while working in Copperleaf. Loud music, profanity, and other behavior which is unbecoming of a quality operation will not be tolerated. Employees, agents, and suppliers shall comply with all traffic and parking rules within the community. Employees, agents, or others, violating these policies may be removed from the premises and may be denied access at the construction entrance.

## **VI. NON-LIABILITY FOR APPROVAL OF PLANS**

Article IV of the Declaration contains a disclaimer of liability or responsibility for the approval of plans and specifications contained in any request by an Owner. *PRIOR TO SUBMITTING PLANS OR INFORMATION FOR REVIEW, YOU SHOULD READ AND UNDERSTAND THIS DISCLAIMER. IF YOU DO NOT UNDERSTAND IT, PLEASE ASK A REPRESENTATIVE OF THE ARCHITECTURAL REVIEW COMMITTEE TO EXPLAIN IT TO YOU.*

## **VII. CHANGES AND AMENDMENTS TO THE GUIDELINES**

These Architectural & Landscape Guidelines may be amended as follows:

1. These Architectural & Landscape Guidelines may be amended upon majority approval of the ARC and the consent of the Board (CCR 4.3.a).
2. Amendment shall be distributed and/or posted in a prominent place within the Properties.
3. All amendments shall become effective upon adoption by the ARC and consent of the Board (CCR 4.3.a).
4. In no way shall any amendment to these Architectural & Landscape Guidelines change, alter or modify any provision of the Declaration or any Supplemental Declaration.

**EXHIBIT “H” as of 04/08/2007**

P – Prohibited By Lee & Collier Counties  
 R – County Restricted Use Near Conservation or Residential Landscaping Projects

<u>Common Name</u>	<u>Scientific Name</u>	
Air potato	Dioscorea bulbifera	P
Australian Pine	All Casuarina species	P
Australien inkberry	Scaevola frutescens	P
Bishopwood	Bischofia Javanica	P
Brazilian Pepper	Schinus terebinthifolius	P
Carrotwood	Cupaniopsis anacardiopsis	P
Catelaw mimosa	Mimosa pigra	P
Chinaberry tree	Melia azedarach	R
Chinese tallow tree	Sapium sebiferum	R
Climbing fern	Lygodium spp	P
Cork Tree/Seaside Mahoe	Thespesia populnea	P
Downy Rosemyrtle	Rhodomyrtus tomentosus	P
Ear tree	Enterolobium cyclocarpum	R
Earleaf Acacia	Acacia auriculiformis	P
Indian rosewood	Dalbergia sissoo	R
Java plum	Syzygium cumini	P
Melaleuca, Paperbark	Melaleuca quinquenervia	P
Murray Red Gum	Eucalyptus Camaldulensis	P
Norfolk Island Pine	Araucaria heterophylla	Among the first trees to be blown away in a hurricane
Rose Wood	Dalbergio sissoo	P
Skunk Vine	Paederia Foetida	R
Tropical Soda Apple	Solanum vairum	O
Umbrella Tree, Octopus Tree	Schefflera actinophylla/Brassaia actinophylla	Invasive root system
Wedelia/Creeping Oxeye	Wedelia trilobata	R
Weeping Fig	Ficus benjamina	<div data-bbox="989 1453 1518 1673" data-label="Text"> <p>Its' large growth and buttressing roots may cause damage to structures nearby.  Surface roots can lift sidewalks and lanai foundations.</p> </div>
Laurel Fig, Indian laurel	Ficus microcarpa	
Banyan, Bengal Fig, Indian Fig	Ficus benghalensis	
Rubber Tree, India-Rubber Fig	Ficus elastic	
Cuban laurel	Ficus nitida	
Weeping Willow	Salix spp.	Very aggressive root system
Woman's tongue	Albizia Lebbeck	P

**EXHIBIT I**

Copperleaf Approved Colors

Body		Trim		Accent	
#1: Natural Tan	(2431)	Alpine White	(2427)	Bungalow Beige	(2032)
#2: Silver Beige	(2422)	Nimbus White	(2421)	Castle Beige	(2025)
#3 Deleted					
#4 Tuscan Beige	(2430)	Creamy White	(2445)	Townhouse Tan	(2186)
#5 Eaglet Beige	(2193)	Summer White	(2448)	Sunporch	(2192)
#6 Townhouse Tan	(2186)	Palais White	(2429)	Tower Tan	(2185)
#7 Tradition Ivory	(2214)	Casa Blanca	(2060)	Sahara Sand	(2213)
#8 Castle Beige	(2025)	Creamy White	(2445)	Gobi Beige	(2024)
#9 Condo Coral	(2172)	Silver Beige	(2422)	Trek Tan	(2171)
#10 Impressive Ivory	(2333)	Summer White	(2448)	Gentry Cream	(2332)
#11 Maison Blanche	(2067)	Casa Blanca	(2060)	Sand	(2059)
#12 Rococo Beige	(2165)	Palais White	(2429)	Plaza Buff	(2164)

\* Numbers shown are Sherwin Williams Paint Co. Numbers

**EXHIBIT J - HURRICANE, STORM AND PROTECTIVE SHUTTER RESTRICTIONS**

In conjunction with your request to install hurricane, storm or protective shutters on your residence, you will be required to adhere to the following restrictions as listed in the Architectural & Landscape Review Guidelines:

**8. Hurricane, Storm and Protective Shutters:** ARC approval is required for exterior shutters. The shutters must be of a material similar to and of a color and design generally accepted as complementary to the exterior of the house. No hurricane, storm or protective shutters shall be installed unless they have been approved by the ARC. A signed Exhibit "J" must be submitted with the application for storm protection.

**Shutters may be deployed only within the dates shown on the chart below:**

<b>Shutter Type</b>	<b>Inside Lanai</b>	<b>Exposed Rear &amp; Sides</b>	<b>Lower Front of Residence</b>	<b>Upper Front of Residence</b>
Metal	All Year	May 1st - Dec 31st	FL Watch or Warning	May 1st - Dec 31st
Clear	All Year	May 1st - Dec 31st	May 1st - Dec 31st	May 1st - Dec 31st
Screens	All Year	May 1st - Dec 31st	FL Watch or Warning	FL Watch or Warning

**Additional Notes:**

Shutters deployed during a named watch or warning for the State of Florida must be removed within seven (7) days of the discontinuance of the watch or warning. Metal shutters on the upper front of the residence must match the house color.

**Storm Catcher or similar type wind screens** that meet the following conditions may be deployed according to the above chart. Screens must be one continuous piece and the color must complement the color of the residence. Screens must be either in tracks mounted to a solid wall or, if not in tracks, secured top and bottom with fasteners no more than 12" apart. If other fastening methods are proposed, a plan must be submitted with the request for approval.

All approved removable or temporary hurricane or protective shutters must be securely stored inside when not attached to the Unit. Your signature, affixed below, indicates that you will comply with these restrictions.

**Property Owner Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

**The Copperleaf ARC will not consider the proposed project for approval in accordance with ARC Architectural & Landscape Guidelines until this agreement is duly signed and returned to the Copperleaf ARC, c/o Copperleaf Administration Office with a plan or plans showing all details of the project.**

February 15, 2011

## Access and Property Damage Agreement

Project: \_\_\_\_\_

Property Owner \_\_\_\_\_

Property Address: \_\_\_\_\_

Estimated Start Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_

During the course of this project, all efforts will be made to have the construction access and possible property damage within the property lines of the project property. It may be necessary that during the completion of the project, the property outside of the project property may require access and possible damage may result. If access is granted by the bordering property owner, the project property owner agrees to and takes full legal and liable responsibility, as stated:

**The project property owner will be fully responsible for all costs to repair and/or replace any damage to the Copperleaf Association or bordering properties that may have incurred and include, but not limited to; street pavement, street curbing, utilities, communication lines, property drainage, property landscaping, irrigation system components, Common Area Facilities or Golf Course property to its original condition prior to the construction. The total repair and/or replacement will be completed within thirty (30) days following the completion of the project, and to the satisfaction of the Copperleaf ARC and the bordering property owner(s) of the accessed and damaged property.**

The right of access on bordering property(s) can only be granted by the bordering property owner to the project property owner and any agreement remains exclusively between the bordering property owner and the project property owner.

Copperleaf ARC approval of the project does not imply or suggest that the right of any access to any property has been granted by the Copperleaf Association.

Project Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Bordering Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Bordering Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**The Copperleaf ARC will not consider the proposed project for approval in accordance with ARC Architectural & Landscape Guidelines until this agreement is duly signed and returned to the Copperleaf ARC, c/o Copperleaf Administration Office.**

ARC: \_\_\_\_\_

Date: \_\_\_\_\_



## Exhibit “M”

### **Copperleaf Golf Club Community Association**

#### **Architectural Review Committee**

Architectural Review Committee: The Architectural Review Committee (ARC) is a sub-committee of the Board of Directors, created in accordance with Article 4, sub paragraph 4.2(B), Architectural and Aesthetic Control, of the Covenants Conditions and Restrictions for Copperleaf Golf Club.

**Purpose:** The purpose of the Copperleaf ARC Committee is to provide and enforce an overall framework and comprehensive set of standards and procedures for the development of the community in an orderly and cohesive manner. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, signage, and lighting.

The Copperleaf ARC Committee shall be an oversight committee which will review all approved decisions by the Neighborhood Architectural Review Committees for consistency and appropriateness. Decisions of the Copperleaf ARC Committee shall supersede those made by the Neighborhood Committees and may be subject to final review by the Copperleaf Board of Directors in the case of appeal requests.

The ARC shall consist of at least three, but not more than seven, persons who shall serve and may be removed and replaced at the Board's discretion. The chair person of the Copperleaf ARC shall be a member of the Board of Directors.

**Responsibilities:** The Committee shall review, evaluate and when appropriate make recommendations to the Board of Directors as to the following:

- Modifications and/or amendments to the Architectural Design Review Guidelines.
- Through application of the Design Review Guidelines, establish a process for review of all proposed construction and modifications to residences/buildings to ensure that all sites within Copperleaf are developed with the consistency and quality that initially attracted owners to this development.
- Submissions by the Neighborhood ARC's for all approved requests for any improvement or structure of any kind, including without limitation, any building, fence, wall, sign, site paving, grading, parking and building additions, alteration, screen enclosure, sewer, drain, disposal system, decorative building, landscaping, landscape device or object or other improvement, the construction or placement of which is proposed upon any parcel or property in the Neighborhoods, together with a copy of any required governmental permits.
- Changes to Exhibit “H” of the Design Review Guidelines which lists the approved and prohibited Landscape Plant Materials.
- Such other matters as the committee deems advisable or the Board of Directors may direct.
- The committee shall report to the Board of Directors at each Board meeting through the submission of meeting minutes by the Committee Chair.

This revised document, Architectural and Landscape Guidelines, was approved by the Architectural Review Committee (ARC) on January 27<sup>th</sup>, 2011 and was submitted to and approved by the Copperleaf Board of Directors on the 15<sup>th</sup> day of February 2011.